

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 811

Introduced by Senator DeSaulnier

February 27, 2009

An act to *amend Sections 4304 and 4750.1 of, and to add Section 4750.2 to, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 811, as amended, DeSaulnier. Vehicles: specially constructed vehicles.

Existing law, upon application for registration of a vehicle previously registered outside this state, requires the Department of Motor Vehicles to grant full faith and credit to the currently valid certificate of title describing the vehicle, the ownership thereof, and the liens thereon, issued by the state in which the vehicle was last registered. Existing law also requires the department to require, upon registration of a motor vehicle; previously registered outside this state, a valid certificate of compliance, or a certificate of noncompliance, with California's emission regulations. Existing law additionally requires specially constructed vehicles, depending on various criteria, to be subject to different emission inspection and control requirements based on the engine-model-year *model-year*, the vehicle-model-year *model-year*, or the calendar year in which the application for vehicle registration is submitted.

~~This bill would require specially constructed vehicles, as defined, that were previously registered outside this state to be subject to emission control and inspection requirements applicable to the same calendar year that the vehicle was originally constructed as a specially constructed vehicle.~~

This bill would require a specially constructed vehicle, that was previously registered outside this state, to be assigned a model-year based on various criteria for purposes of determining emission inspection requirements for the vehicle.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4304 of the Vehicle Code is amended to*
2 *read:*

3 4304. ~~Upon~~ *Unless otherwise provided in Section 4750.2, upon*
4 *application for registration of a vehicle previously registered*
5 *outside this State, the department shall grant full faith and credit*
6 *to the currently valid certificate of title describing the vehicle, the*
7 *ownership thereof, and any liens thereon, issued by the state in*
8 *which the vehicle was last registered, except that the laws of the*
9 *state shall provide for the notation upon the certificate of title of*
10 *any and all liens and encumbrances other than those dependent*
11 *upon possession.*

12 *SEC. 2. Section 4750.1 of the Vehicle Code is amended to read:*

13 4750.1. (a) *If the department receives an application for*
14 *registration of a specially constructed passenger vehicle or pickup*
15 *truck after it has registered 500 specially constructed vehicles*
16 *during that calendar year pursuant to Section 44017.4 of the Health*
17 *and Safety Code, and the vehicle has not been previously*
18 *registered, the vehicle shall be assigned the same model-year as*
19 *the calendar year in which the application is submitted, for*
20 *purposes of determining emissions inspection requirements for*
21 *the vehicle.*

22 **(b)** *If the department receives an application for registration of*
23 *a specially constructed passenger vehicle or pickup truck after it*
24 *has registered 500 specially constructed vehicles during the*
25 *calendar year pursuant to Section 44017.4 of the Health and Safety*
26 *Code, and the vehicle was previously registered outside this state,*
27 *the vehicle shall be assigned the same model-year as the calendar*
28 *year in which it was first registered outside this state, for purposes*
29 *of determining emissions inspection requirements for the vehicle.*

30 **(b)**

(c) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck that has been previously registered after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and Safety Code, and the application requests a model-year determination different from the model-year assigned in the previous registration, the application for registration shall be denied and the vehicle owner is subject to the emission control and inspection requirements applicable to the model-year assigned in the previous registration. For a vehicle that participated in the amnesty program pursuant to Section 9565, the model-year of the previous registration shall be the calendar year of the year in which the vehicle owner applied for amnesty. However, a denial of an application for registration issued pursuant to this subdivision does not preclude the vehicle owner from applying for a different model-year determination and application for registration under Section 44017.4 of the Health and Safety Code in a subsequent calendar year.

SECTION 1.

SEC. 3. Section 4750.2 is added to the Vehicle Code, to read:

4750.2. ~~Notwithstanding Section 4304 or 4750.1, if~~ *If* the application for registration of a vehicle previously registered outside this state is for a specially constructed vehicle, as defined in Section 580, the vehicle ~~is subject to emission control and inspection requirements applicable to the same calendar year that the vehicle was originally constructed as a specially constructed vehicle, unless otherwise modified by Section 44017.4 of the Health and Safety Code.~~ *shall be assigned a model-year in accordance with the procedures established by Section 44017.4 of the Health and Safety Code and Section 4750.1 of this code for purposes of determining emission inspection requirements for the vehicle.*